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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/553,412

Applicant(s)

YAMAMICHI ET AL.

Examiner

Christian LaForgia

Art Unit

2439

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-17, 21-31, 39 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 12/22/09

DETAILED ACTION

1. The amendment of 27 November 2009 has been noted and made of record.
2. Claims 1-7, 12-17, 21-31, 39 and 40 have been presented for examination.
3. Claims 8-11, 18-20, and 32-38 have been cancelled as per applicant's amendment.

Response to Arguments

4. Applicant's arguments, see page 18, filed 27 November 2009, with respect to the specification have been fully considered and are persuasive. The objection of the specification has been withdrawn.
5. Applicant's arguments, see page 18, filed 27 November 2009, with respect to the rejections made under 35 U.S.C. § 101 have been fully considered and are persuasive. The 35 U.S.C. § 101 rejection of claims 16, 17, 30 and 40 has been withdrawn.
6. Applicant's arguments with respect to the prior art rejections filed 27 November 2009 have been fully considered but they are not persuasive.
7. In response to applicant's arguments, the recitation the main content includes video and audio data and the sub content includes either audio or data subtitle data has not been given patentable weight because the recitation occurs in the preamble of independent claims 12-17, 22, 29, 30, 39, and 40. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

8. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, such as aggregating contents recorded on a plurality of recording media, are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim language only specifies a first and second recording medium. Given the claims their broadest reasonable interpretation, one of ordinary skill could reasonably interpret the claims as a method for copying data from one medium to another. Finally, aggregating contents recorded on a plurality of recording media is not the novel feature of the invention since it has been known since at least 2003 as illustrated by Figure 1, elements 200, 120a, 120b, and 120n, of U.S. Patent Application No. 2003/0079042 A1 to Yamanaka et al.
9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, such as recording aggregated data onto a recording medium while protecting the copyrights of the contents, are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, copying data while preserving copyright information is well-known and commonly practiced by skilled artisans.
10. The applicant argues that the prior art does not disclose reproducing the aggregated contents. The examiner disagrees and has interpreted the limitation as playing the data copied onto the second recording medium. Column 5, lines 39-55 of Morito discusses playing back that

has been written to the second medium. Therefore, Morito discloses reproducing the aggregated content.

11. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, such as an intention to aggregate contents, are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

12. The applicant argues that the prior art does not disclose recording or reproducing aggregate contents. The examiner addressed the reproducing aggregate contents argument above. The examiner disagrees with the applicant's argument that the prior art does not disclose recording aggregate content. As the examiner pointed out in the previous office action, and again below, recording module 11 of Figure 3, for example, collects information from data repository 12 and CCI generator 10 and records the collected data on disk 1. Therefore, the prior art discloses aggregating main content and sub-content and recording said contents on a medium.

13. The applicant argues that the prior art does not teach changing the reproduction control information in the case where the main content and the sub-content are recorded onto the second recording medium. The examiner disagrees and refers to the cited column 9, lines 1-18. The cited portion discloses updating the copy control information which the examiner analogizes to the reproduction control information, which is updated when data is recorded on the second recording medium. Therefore, the prior art discloses changing the reproduction control information in the case where the main content and the sub-content are recorded onto the second recording medium.

14. See further rejections set forth below.

Information Disclosure Statement

15. The information disclosure statement (IDS) submitted on 22 December 2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

17. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,782,190 B1 to Morito, hereinafter Morito, in view of U.S. Patent No. 7,149,754 B2 to Miller et al., hereinafter Miller, and in further view of U.S. Patent Application Publication No. 2003/0079042 A1 to Yamanaka et al., hereinafter Yamanaka.

18. As per claim 1, Morito teaches an aggregation system comprising an aggregation apparatus, a first reproduction apparatus and a second reproduction apparatus, wherein the aggregation apparatus (Figures 3 [block 11], 8 [block 25]) includes:

a first obtainment unit operable to obtain a main content from a first recording medium (Figures 3 [blocks 11, 12], 8 [blocks 25, 26], column 5, lines 18-28, column 8, lines 31-39, i.e. retrieving data from data archives **12** and **26**);

a second obtainment unit operable to obtain a sub content (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information); and

a recording unit operable to aggregate the main content and the sub content and record the aggregated contents onto a second recording medium (Figure 3 [blocks 1, 11], 8 [blocks 1, 25], column 5, lines 11-18, i.e. recording data and copy control information onto the disk 1),

the first reproduction apparatus (Figures 3 [block 9], 8 [block 22]) includes:

a fourth obtainment unit operable to obtain reproduction control information for controlling reproduction of the main content (Figures 3 [blocks 9, 10], 8 [blocks 22, 23], column 5, lines 11-18, i.e. receiving copy control information); and

a reproduction unit operable to reproduce the main content recorded on the first recording medium, based on the reproduction control information (Figures 3 [block 9], 6 [steps S6, S7], 7 [steps S14, S15], 8 [block 22], 17 [steps S82, S83, S84], column 5, lines 39-55), and

the second reproduction apparatus reproduces the main content and the sub content which are recorded on the second recording medium (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55).

19. Morito does not teach a reproduction apparatus with an obtainment unit operable to obtain the main content from the first recording medium and wherein the main content includes video and audio data and the sub-content includes either audio data or subtitle data.

20. Miller teaches obtaining original data so that it can be compared with the copied data (column 19, lines 51-64).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the reproduction apparatus to include an obtainment unit operable to obtain the

main content from the first recording medium, since Miller states at column 19, lines 55-58 that this extra authentication step provides additional security.

22. Miller does not teach wherein the main content includes video and audio data and the sub-content includes either audio data or subtitle data.

23. Yamanaka discloses an aggregator (Figure 1 [element 200]) collecting main data and additional data (paragraphs 0023, 0081, 0082) from content holders (Figure 1 [elements 120a, 120b, 120n]).

24. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the recording module of Morito to collect main content data and additional content data, since Yamanaka states at paragraphs 0002 and 0009 that it allows for the secure transfer of fringe data, which allows users to record things like jacket pictures and song lyrics when they are recording content.

25. Regarding claim 2, Morito teaches wherein the reproduction control information indicates whether or not reproduction of the main content is permitted, and is recorded on the first recording medium, the aggregation apparatus further includes:

a fifth obtainment unit operable to obtain the reproduction control information from the first recording medium (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a first judgment unit operable to judge whether or not the reproduction control information obtained by the fifth obtainment unit is information indicating that reproduction of the main content is permitted (Figure 11 [step S23], column 8, line 59 to column 9, line 20); and

a changing unit operable to change the reproduction control information recorded on the first recording medium so that said reproduction control information indicates that reproduction of the main content is not permitted, in the case where the main content and the sub content are recorded onto the second recording medium by the recording unit (Figure 11 [step S27], column 8, line 59 to column 9, line 20),

the first reproduction apparatus includes a second judgment unit operable to judge whether or not the reproduction control information obtained by the fourth obtainment unit is the information indicating that reproduction of the main content is permitted (Figures 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55),

the recording unit aggregates the main content obtained by the first obtainment unit and the sub content obtained by the second obtainment unit and records the aggregated contents onto the second recording medium, when the first judgment unit judges that the reproduction control information is the information indicating that reproduction of the main content is permitted (Figure 11 [blocks 1, 11], 8 [blocks 1, 25], column 5, lines 11-18, i.e. recording data and copy control information onto the disk 1),

the fourth obtainment unit obtains the reproduction control information from the first recording medium (Figures 3 [blocks 9, 10], 8 [blocks 22, 23], column 5, lines 11-18, i.e. receiving copy control information), and

the reproduction unit reproduces the main content recorded on the first recording medium, when the second judgment unit judges that the reproduction control information is the information indicating that reproduction of the main content is permitted (Figures 5 [block 16] 6

[steps S6, S7], 7 [steps S14, S15], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55).

26. With regards to claim 3, Morito teaches wherein the first reproduction apparatus and the second reproduction apparatus are identical (Figures 3 [block 9], 8 [block 22]).

27. With regard to claim 4, Morito teaches wherein a format of the main content recorded on the first recording medium is same as a format of the main content recorded on the second recording medium (column 5, lines 11-18, the prior art does not disclose converting the format of the data from the data archive to the disk).

28. With regards to claim 5, Morito teaches wherein the reproduction control information is index information which is required for reading the main content (Figures 3 [blocks 9, 10], 8 [blocks 22, 23], column 5, lines 11-18, column 9, lines 27-64).

29. With regards to claim 6, Morito teaches wherein the main content is encrypted, and the reproduction control information is a decryption key for decrypting the encrypted main content (column 7, lines 31-63).

30. With regards to claim 7, Morito teaches wherein a special area which can be physically destroyed is provided in the first recording medium, the reproduction control information is recorded in the special area, and the changing unit destroys the special area to prevent

reproduction of the main content (Figures 6 [step S8], 7 [step S16], 11 [step S29], 13 [step S43], 15 [step S63], 16 [step S72], 17 [step S85], column 5, lines 41-45, column 10, lines 7-18, column 10, lines 63-67).

31. Claims 12-17, 21-31, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morito in view of Yamanaka.

32. As per claims 12, 14, and 16, Morito teaches an aggregation apparatus method for aggregating a main content recorded on a first recording medium and a sub content and recording the aggregated contents onto a second recording medium,

wherein reproduction control information indicating whether or not reproduction of the main content is permitted is recorded on the first recording medium (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55), and

the aggregation apparatus (Figures 3 [block 11], 8 [block 25]) comprises:

a first obtainment unit operable to obtain the main content from the first recording medium (Figures 3 [blocks 11, 12], 8 [blocks 25, 26], column 5, lines 18-28, column 8, lines 31-39, i.e. retrieving data from data archives **12** and **26**);

a second obtainment unit operable to obtain the sub content (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a third obtainment unit operable to obtain the reproduction control information from the first recording medium (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a judgment unit operable to judge whether or not the reproduction control information is information indicating that reproduction of the main content is permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20);

a recording unit operable to aggregate the main content and the sub content and record the aggregated contents onto the second recording medium, when the judgment unit judges that the reproduction control information is the information indicating that reproduction of the main content is permitted (Figures 3 [blocks 1, 11], 8 [blocks 1, 25], column 5, lines 11-18, i.e. recording data and copy control information onto the disk 1); and

a changing unit operable to change the reproduction control information recorded on the first recording medium so that said reproduction control information indicates that reproduction of the main content is not permitted, in the case where the main content and the sub content are recorded onto the second recording medium by the recording unit (Figure 11 [step S27], column 8, line 59 to column 9, line 20).

33. Morito does not teach wherein the main content includes video and audio data and the sub-content includes either audio data or subtitle data.

34. Yamanaka discloses an aggregator (Figure 1 [element 200]) collecting main data and additional data (paragraphs 0023, 0081, 0082) from content holders (Figure 1 [elements 120a, 120b, 120n]).

35. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the recording module of Morito to collect main content data and additional content

data, since Yamanaka states at paragraphs 0002 and 0009 that it allows for the secure transfer of fringe data, which allows users to record things like jacket pictures and song lyrics when they are recording content.

36. As per claims 13, 15, and 17, Morito teaches a reproduction apparatus and method for reproducing a main content recorded on a recording medium,

wherein reproduction control information indicating whether or not reproduction of the main content is permitted is recorded on the recording medium (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55), and

the reproduction apparatus (Figures 3 [block 9], 8 [block 22]) comprises:

a first obtainment unit operable to obtain the main content from the recording medium (Figures 3 [blocks 1, 9], 8 [blocks 1, 22], column 8, lines 22-39);

a second obtainment unit operable to obtain the reproduction control information from the recording medium (Figures 3 [blocks 9, 10], 8 [blocks 22, 23], column 5, lines 11-18, i.e. receiving copy control information);

a judgment unit operable to judge whether or not the reproduction control information is information indicating that reproduction of the main content is permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20); and

a reproduction unit operable to reproduce the main content recorded on the recording medium, when the judgment unit judges that the reproduction control information is the information indicating that reproduction of the main content is permitted (Figures 3 [block 9], 6 [steps S6, S7], 7 [steps S14, S15], 8 [block 22], 17 [steps S82, S83, S84], column 5, lines 39-55).

37. Morito does not teach wherein the main content includes video and audio data and the sub-content includes either audio data or subtitle data.

38. Yamanaka discloses an aggregator (Figure 1 [element 200]) collecting main data and additional data (paragraphs 0023, 0081, 0082) from content holders (Figure 1 [elements 120a, 120b, 120n]).

39. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the recording module of Morito to collect main content data and additional content data, since Yamanaka states at paragraphs 0002 and 0009 that it allows for the secure transfer of fringe data, which allows users to record things like jacket pictures and song lyrics when they are recording content.

40. As per claim 21, Morito teaches an aggregation system comprising an aggregation apparatus and a reproduction apparatus, wherein the aggregation apparatus includes:

a first obtainment unit operable to obtain a main content (Figures 3 [blocks 11, 12], 8 [blocks 25, 26], column 5, lines 18-28, column 8, lines 31-39, i.e. retrieving data from data archives 12 and 26);

a second obtainment unit operable to obtain a sub content (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a third obtainment unit operable to obtain aggregation judgment information indicating whether or not aggregation of the main content and the sub content and recording of the aggregated contents onto a recording medium are permitted (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a judgment unit operable to judge whether or not the aggregation judgment information is information indicating that aggregation of the main content and the sub content and recording of the aggregated contents onto the recording medium are permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20); and

a recording unit operable to aggregate the main content and the sub content and record the aggregated contents onto the recording medium, when the judgment unit judges that the aggregation judgment information is the information indicating that aggregation and recording onto the recording medium are permitted, and the reproduction apparatus reproduces the main content and the sub content which are recorded on the recording medium (Figures 3 [blocks 1, 11], 8 [blocks 1, 25], column 5, lines 11-18, i.e. recording data and copy control information onto the disk 1).

41. Morito does not teach wherein the main content includes video and audio data and the sub-content includes either audio data or subtitle data.

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42. Yamanaka discloses an aggregator (Figure 1 [element 200]) collecting main data and additional data (paragraphs 0023, 0081, 0082) from content holders (Figure 1 [elements 120a, 120b, 120n]).

43. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the recording module of Morito to collect main content data and additional content data, since Yamanaka states at paragraphs 0002 and 0009 that it allows for the secure transfer of fringe data, which allows users to record things like jacket pictures and song lyrics when they are recording content.

44. As per claim 22, Morito teaches an aggregation apparatus for aggregating a main content and a sub-content and recording the aggregated contents onto a first recording medium, comprising:

a first obtainment unit operable to obtain the main content (Figures 3 [blocks 11, 12], 8 [blocks 25, 26], column 5, lines 18-28, column 8, lines 31-39, i.e. retrieving data from data archives 12 and 26);

a second obtainment unit operable to obtain the sub content (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a third obtainment unit operable to obtain aggregation judgment information indicating whether or not aggregation of the main content and the sub content and recording of the aggregated contents onto the first recording medium are permitted (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a judgment unit operable to judge whether or not the aggregation judgment information is information indicating that aggregation of the main content and the sub content and recording of the aggregated contents onto the first recording medium are permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20); and

a recording unit operable to aggregate the main content and the sub content and record the aggregated contents onto the first recording medium, when the judgment unit judges that the aggregation judgment information is the information indicating that aggregation and recording onto the first recording medium are permitted (Figures 3 [blocks 1, 11], 8 [blocks 1, 25], column 5, lines 11-18, i.e. recording data and copy control information onto the disk).

45. Morito does not teach wherein the main content includes video and audio data and the sub-content includes either audio data or subtitle data.

46. Yamanaka discloses an aggregator (Figure 1 [element 200]) collecting main data and additional data (paragraphs 0023, 0081, 0082) from content holders (Figure 1 [elements 120a, 120b, 120n]).

47. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the recording module of Morito to collect main content data and additional content data, since Yamanaka states at paragraphs 0002 and 0009 that it allows for the secure transfer of fringe data, which allows users to record things like jacket pictures and song lyrics when they are recording content.

48. Regarding claim 23, Morito teaches wherein the main content is recorded on a second recording medium, and a predetermined identifier is further recorded on the second recording medium (Figure 3 [element 2], column 4, lines 28-44),

the aggregation apparatus further comprises:

a fourth obtainment unit operable to obtain the predetermined identifier from the second recording medium (column 8, lines 23-58); and

a sending unit operable to send the predetermined identifier to a predetermined apparatus for sending the aggregation judgment information based on the predetermined identifier (column 8, lines 23-58),

the first obtainment unit obtains the main content from the second recording medium (Figures 3 [blocks 1, 9], 8 [blocks 1, 22], column 8, lines 22-39), and

the third obtainment unit obtains the aggregation judgment information by receiving said aggregation judgment information from the predetermined apparatus (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20).

49. With regards to claim 24, Morito teaches wherein the predetermined identifier is a medium identifier that specifies the second recording medium (Figure 3 [element 2], column 4, lines 28-44, column 8, lines 22-39).

50. With regards to claim 25, Morito teaches wherein the predetermined identifier is a

content identifier that specifies the main content (Figure 3 [element 2], column 4, lines 28-44, column 8, lines 22-39).

51. Regarding claim 26, Morito teaches wherein the aggregation judgment information is information indicating whether or not aggregation of the main content and the sub content and recording of the aggregated contents onto the first recording medium are permitted, depending on billing for aggregation of the main content and the sub content (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20).

52. Regarding claim 27, Morito teaches wherein the aggregation judgment information is information indicating whether or not aggregation of the main content and the sub content and recording of the aggregated contents onto the first recording medium are permitted, depending on the number of aggregations of the main content and the sub content (Figure 11, column 8, line 45 to column 9, line 20).

53. Regarding claim 28, Morito teaches wherein the main content and the aggregation judgment information are recorded on a second recording medium (Figure 3 [element 1]), the first obtainment unit obtains the main content from the second recording medium, and the third obtainment unit obtains the aggregation judgment information from the second recording medium (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11

[step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20).

54. As per claims 29 and 30, Morito teaches an aggregation method and program for aggregating a main content and a sub content and recording the aggregated contents onto a recording medium, comprising:

a first obtainment step of obtaining the main content (Figures 3 [blocks 11, 12], 8 [blocks 25, 26], column 5, lines 18-28, column 8, lines 31-39, i.e. retrieving data from data archives **12** and **26**);

a second obtainment step of obtaining the sub content (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information);

a third obtainment step of obtaining aggregation judgment information indicating whether or not aggregation of the main content and the sub content and recording of the aggregated contents onto the recording medium are permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20);

a judgment step of judging whether or not the aggregation judgment information is information indicating that aggregation of the main content and the sub content and recording of the aggregated contents onto the recording medium are permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20); and

a recording step of aggregating the main content and the sub content and recording the aggregated contents onto the recording medium, when it is judged in the judgment step that the aggregation judgment information is the information indicating that aggregation and recording onto the recording medium are permitted (Figures 3 [blocks 1, 11], 8 [blocks 1, 25], column 5, lines 11-18, i.e. recording data and copy control information onto the disk 1).

55. Morito does not teach wherein the main content includes video and audio data and the sub-content includes either audio data or subtitle data.

56. Yamanaka discloses an aggregator (Figure 1 [element 200]) collecting main data and additional data (paragraphs 0023, 0081, 0082) from content holders (Figure 1 [elements 120a, 120b, 120n]).

57. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the recording module of Morito to collect main content data and additional content data, since Yamanaka states at paragraphs 0002 and 0009 that it allows for the secure transfer of fringe data, which allows users to record things like jacket pictures and song lyrics when they are recording content.

58. As per claim 31, Morito teaches an aggregation system comprising an aggregation apparatus, and a reproduction apparatus, wherein the aggregation apparatus includes:

a first obtainment unit operable to obtain a main content (Figures 3 [blocks 11, 12], 8 [blocks 25, 26], column 5, lines 18-28, column 8, lines 31-39, i.e. retrieving data from data archives 12 and 26);

a second obtainment unit operable to obtain a sub content (Figures 3 [blocks 10, 11], 8 [blocks 23, 25], column 5, lines 11-18, i.e. receiving copy control information); and

a recording unit operable to aggregate the main content and the sub content and record the aggregated contents onto a recording medium (Figures 3 [blocks 1, 11], 8 [blocks 1, 25], column 5, lines 11-18, i.e. recording data and copy control information onto the disk 1), and

the reproduction apparatus includes:

a judgment unit operable to judge whether or not a situation of reproduction of the main content and the sub content satisfies a predetermined condition indicating that reproduction of the main content and the sub content is permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20), and

a reproduction unit operable to reproduce the main content and the sub content which are recorded on the recording medium, when the judgment unit judges that the situation satisfies the predetermined condition (Figures 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55).

59. Morito does not teach wherein the main content includes video and audio data and the sub-content includes either audio data or subtitle data.

60. Yamanaka discloses an aggregator (Figure 1 [element 200]) collecting main data and additional data (paragraphs 0023, 0081, 0082) from content holders (Figure 1 [elements 120a, 120b, 120n]).

61. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the recording module of Morito to collect main content data and additional content

data, since Yamanaka states at paragraphs 0002 and 0009 that it allows for the secure transfer of fringe data, which allows users to record things like jacket pictures and song lyrics when they are recording content.

62. As per claims 39 and 40, Morito teaches a reproduction method and program for reproducing a main content and a sub content which are aggregated and recorded onto a recording medium, comprising:

a judgment step of judging whether or not a situation of reproduction of the main content and the sub content satisfies a predetermined condition indicating that reproduction of the main content and the sub content is permitted (Figures 3 [block 9], 8 [block 22]), 5 [block 16] 6 [steps S6, S7], 7 [steps S14, S15], 11 [step S23], 13 [steps S41, S42], 15 [steps S61, S62], 17 [steps S82, S83, S84], column 5, lines 39-55, column 8, line 59 to column 9, line 20); and

a reproduction step of reproducing the main content and the sub content which are recorded on the recording medium, when it is judged in the judgment step that the situation satisfies the predetermined condition (Figures 3 [block 9], 6 [steps S6, S7], 7 [steps S14, S15], 8 [block 22], 17 [steps S82, S83, S84], column 5, lines 39-55).

63. Morito does not teach wherein the main content includes video and audio data and the sub-content includes either audio data or subtitle data.

64. Yamanaka discloses an aggregator (Figure 1 [element 200]) collecting main data and additional data (paragraphs 0023, 0081, 0082) from content holders (Figure 1 [elements 120a, 120b, 120n]).

65. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the recording module of Morito to collect main content data and additional content data, since Yamanaka states at paragraphs 0002 and 0009 that it allows for the secure transfer of fringe data, which allows users to record things like jacket pictures and song lyrics when they are recording content.

Conclusion

66. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

67. The following patents are cited to further show the state of the art with respect to aggregating contents, such as:

United States Patent Application Publication No. 2006/0185022 A1 to Yamanaka et al., which is cited to show aggregating content from a plurality of content holders (Figure 1).

United States Patent No. 7,299,199 B2 to Nomura et al., which is cited to show a content database that stores main data and pieces of additional information.

United States Patent No. 7,483,957 B2 to Sako et al., which is cited to show distributing main content data along with additional data pertaining to the content (Figure 1).

United States Patent No. 5,761,301 to Oshima et al., which is cited to show mass producing computer readable media.

68. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

69. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

70. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian LaForgia whose telephone number is (571)272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

71. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

72. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christian LaForgia/
Primary Examiner, Art Unit 2439

Art Unit: 2439

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